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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,272	02/06/2002	Gabriel Daemon Engel		7736

7590 12/31/2003

Gareth Bell  
Deep Video Imaging  
Airport Road RO2  
Mystery Creek  
Hamilton,  
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EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 12/31/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/049,272

Applicant(s)

ENGEL ET AL.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4-8 and 12-18 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 1-3 and 9-11. See MPEP § 608.01(n).

Accordingly, the claims have not been further treated on the merits.

2. Claims 1 and 9 are objected to because of the following informalities:

claim 1, line 5 should be read --an input device--

claim 1, line 6 should be read --an user selectable input--

claim 9, line 6 should be read --an input device--

claim 9, line 7 should be read --an input device--

Appropriate correction is required.

### ***Specification***

3. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

### ***Claim Rejections - 35 USC § 101***

4. Claims 19-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter because no useful process is being recited in the claims.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention because they fail to particularly point out the inventive. For example, the examiner has no idea what drawings are being used or what features in the drawings are being used.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-10, 12-14, 16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Damouth (US 5,333,255).

As to claim 1, Damouth teaches a visual display system comprising multi-level screen (28, 29, 30, 31) spaced physically apart (figure 3a), each screen has a two dimensional plane, a visual indicator (cursor 50), an input device (a pointing device 10, figure 1), an user selectable input (the button of the mouse, column 4, lines 5-7), the user can use the selectable input (the button of the mouse) to move the cursor via the input device (10) out of the 2-dimensional plane (28), and onto another screen (29) where both screens display images simultaneously (figure 3b, column 9, lines 3-15).

As to claim 2, Damouth teaches the visual indicator is a cursor (50) (figure 3),

As to claims 3/1 and 3/2, Damouth teaches the input device is a mouse (column 4, lines 5-7).

As to claims 4/1, 4/2, 4/3, Damouth teaches the user selectable input is a mouse button (the conventional mouse comprises buttons, column 4, lines 5-7).

As to claims 5/1, 5/2, 5/3, 5/4, Damouth teaches the visual display system associated with a software supplemental to the software drivers for the input device (see figure 2, column 7, line 36 through column 8, line 25).

As to claims 6/1, 6/2/, 6/3, 6/4, 6/5, Damouth teaches the visual indicator (cursor 50) moves to a different z axis coordinate (column 10, lines 11-19).

As to claims 8/1, 8/2, 8/3, 8/4, 8/5, 8/6, 8/7, Damouth teaches the visual indicator is the screen image (the cursor image 50) (figures 3a and 3b).

As to claim 9, Damouth teaches a visual display system associated with a method comprising multi-level screen (28, 29, 30, 31) spaced physically apart (figure 3a), each screen has a two dimensional plane, a visual indicator (cursor 50), an input device (a pointing device 10, figure 1), an user selectable input (the button of the mouse, column 4, lines 5-7), the user can use the selectable input (the button of the mouse) to move the cursor via the input device (10) out of the 2-dimensional plane (28), and onto another screen (29) where both screens display images simultaneously (figure 3b, column 9, lines 3-15).

As to claim 10, Damouth teaches the visual indicator is a cursor (50) (figure 3),

As to claims 11/9 and 11/10, Damouth teaches the input device is a mouse (column 4, lines 5-7).

As to claims 12/9, 12/10, 12/11, Damouth teaches the user selectable input is a mouse button (the conventional mouse comprises buttons, column 4, lines 5-7).

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As to claims 13/9, 13/10, 13/11, 13/12, Damouth teaches the visual display system associated with a software supplemental to the software drivers for the input device (see figure 2, column 7, line 36 through column 8, line 25).

As to claims 14/9, 14/10, 14/11, 14/12, 14/13, Damouth teaches the visual indicator (cursor 50) moves to a different z-axis coordinate (column 10, lines 11-19).

As to claims 16/9, 16/10, 16/11, 16/12, 16/13, 16/14, 16/15, Damouth teaches the visual indicator is the screen image (the cursor image 50) (figures 3a and 3b).

As to claims 19 and 20, Damouth teaches a method of using a visual display system as illustrated by the figures 3a and 3b (column 8, line 60 through column 9, line 15).

As to claim 21, Damouth teaches media containing instructions for the operation of a visual display system as described in figure 1, column 4, lines 56-68.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7/1, 7/2, 7/3, 7/4, 7/5, 7/6, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Damouth in view of DeStefano (US 6,075,531).

As to claims 7/1, 7/2, 7/3, 7/4, 7/5, 7/6, 15/9, 15/10, 15/11, 15/12, 15/13, 15/14, Damouth teaches all of the claimed limitations of claims 1 and 9, except for movement

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of the visual indicator from one screen to another screen gives the appearance of providing a visual bridge between the screens. However, DeStefano teaches a related visual display system associated with a method comprising the movement of the visual indicator (425) from one screen (420) to another screen (420') gives the appearance of providing a visual bridge between the screens (420, 420') (figure 21, column 18, lines 25-32). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the visual bridge of the visual indicator taught by DeStefano for Damouth's visual indicator because this would move or resize either inwardly or outwardly relative to a common origin located proximate the pointer more quickly and easily in a more coordinated fashion (column 2, lines 53-59 of DeStefano).

As to claims 17/1, 17/2, 173, 17/4, 17/5, 17/6, 17/7, 17/8, 18/9, 18/10, 18/11, 18/12, 18/13, 18/14, 18/15, 18/16, Damouth teaches all of the claimed limitations of claims 1 and 9, except for the input device is a pen. However, DeStefano teaches the input device is a pen (column 5, line 32). It would have been obvious to a person of ordinary skill in the art at the time of the invention to utilize the pen taught by DeStefano for Damouth's input device because this would move or resize either inwardly or outwardly relative to a common origin located proximate the pointer more quickly and easily in a more coordinated fashion (column 2, lines 53-59 of DeStefano).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to: (703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Kevin M. Nguyen  
Patent Examiner  
Art Unit 2674

KN  
December 24, 2003